

REMARKS

This Amendment is being filed in response to the Notice of Abandonment mailed on November 15, 2007 and the Final Office Action mailed April 11, 2007, which have been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 1-9 have been amended for better clarity and conformance to U.S. practice, such as beginning the dependent claims with 'The' instead of 'A'. Claims 1-9 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-9 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 2,423,245

(Magnus) in view of U.S. Patent No. 3,803,309 (Bosland). It is respectfully submitted that claims 1-12 are patentable over Magnus and Bosland for at least the following reasons.

Magnus is directed to a method and device for extracting hair using adhesive tape, by manually rotating a knurled knob 5, shown in FIGs 1-3.

Bosland is directed to a device for automatically dispensing any desired amount of tape from a roll of tape is disclosed. A cutting mechanism in the device automatically cuts the tape which has been dispensed.

It is respectfully submitted that Magnus, Bosland, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, amongst other patentable elements, recites (illustrative emphasis provided):

a heater for heating the depilating tape, and a spring having a home position that moves the heater away from the depilating tape.

Magnus and Bosland, alone or in combination, doe not even disclose or suggest a heater, let alone a spring having a home position that moves the heater away from the depilating tape, as

recited in independent claim 1.

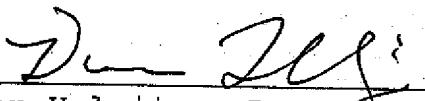
Accordingly, it is respectfully requested that independent claim 1 be allowed. In addition, it is respectfully submitted that claims 2-12 should also be allowed at least based on their dependence from independent claim 1 as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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Serial No. 10/524,071
Amendment in Reply to the Notice of Abandonment of November 15, 2007
and the Final Office Action of April 11, 2007

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Enclosure: Petition to Revive

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